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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8499

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Case No.:
v.	COMPLAINT FOR VIOLATION OF
JOUANNI FRANCISCO PEREZ-TINOCO, Defendant.	Title 42, U.S.C. § 408(a)(7)(B) False Representation of a Social Security Number

The undersigned complainant being duly sworn states:

On or about March 6, 2008, within the Southern District of California, in submitting daily time records in the name of Noe Lozano with social security number xxx-xx-3396 for work that was actually performed by a confidential source of information, defendant JOUANNI FRANCISCO PEREZ-TINOCO, for the improper purpose of concealing the practice of employing undocumented aliens and other purposes, and with the intent to deceive, did falsely represent that work had been done by Noe Lozano with social security number xxx-xx-3396, when in truth and fact, the work was performed by the confidential source of information, an undocumented alien without a social security number; in violation of Title 42, United States Code, Section 408(a)(7)(B).

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

ARTHUR CALOCA, Special Agent
U. S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 2ND DAY OF JUNE 2008.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
JOUANNI FRANCISCO PEREZ-TINOCO

STATEMENT OF FACTS

This case originated when ICE agents in Calexico, California, received information from a source, who later became a confidential source ("CI-1"), that Boss 4 Packing LLC ("Boss 4"), a farm labor contractor with a business address of 1118 Rockwood Avenue, Heber, California, routinely hired undocumented aliens to harvest crops in agricultural fields located in Imperial County, California. Boss 4 employs foremen who manage the field crews. The foremen are primarily responsible for recruiting and staffing their own field crews.

During the course of the investigation, ICE agents engaged the services of several confidential sources of information. Statements and evidence from three of those sources of information are set forth below. CI-1 has prior arrests for alien smuggling, but he/she has no criminal convictions. The other two confidential sources of information have no criminal arrests or convictions. None of the information provided by the confidential sources of information has been deemed unreliable.

JOUANNI FRANCISCO PEREZ-TINOCO ("PEREZ") is a field crew foreman for Boss 4. According to CI-1, as a foreman, PEREZ is responsible for preparing daily time records which purport to reflect the names, social security numbers, and hours worked, for each member of his field crew. As a foreman, PEREZ is also responsible for turning in the daily time records to the Boss 4 Packing LLC office personnel who then prepare paychecks to be issued to the employees. As a foreman, PEREZ is also responsible for delivering the paychecks to the employees.

On January 31, 2008, two confidential sources of information ("CI-2" and "CI-3") approached JOUANNI FRANCISCO PEREZ-TINOCO ("PEREZ") (aka "Chapo") at the La Providencia Market to obtain employment with Boss 4. PEREZ told CI-2 and CI-3 to return the following day.

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On February 1, 2008, both CIs returned to the La Provedencia Market where PEREZ instructed them to board a bus that transported them to an agricultural field where they completed a day's work. Both CIs stated that PEREZ asked them if they had social security numbers and they responded that they did not. PEREZ told the CIs that he would provide them with false names and social security numbers. PEREZ instructed them not to disclose to Boss 4 personnel that he provided them with the false names and social security numbers.

On February 12, 2008, the CIs provided agents checks issued to them by Boss 4 foreman PEREZ.

On February 29, 2008, CI-3 gave ICE agents copies of Boss 4 Packing payroll checks. The checks were provided by PEREZ for the informant's wages while employed by Boss 4 Packing. The checks were issued under an assumed name provided by PEREZ, and the check stubs were retained by PEREZ.

On March 13, 2008, Agent's met again with CI-3. CI-3 stated that he continues employment with Boss 4 and provided Agents with copies of three Boss 4 paychecks under the assumed names given to him by PEREZ. These checks were all for work performed by CI-3. The Boss 4 paycheck number 143689 was paid under one assumed name in the amount of $142.50; Boss 4 paycheck number 144680 was under the same assumed name in the amount of $130.38. Boss 4 paycheck number 144240 was under another the assumed name, "Noe Lozano," in the amount of $105.95. (PEREZ subsequently paid CI-3 in a third assumed on April 21 and 30, 2008; and a fourth assumed name on April 17 and 24, 2008.)

The Boss 4 paycheck number 144240 was dated March 6, 2008, listed the payee as "Noe Lozano", and contained the employee identification number above the payee line. A Boss 4 signature list dated April 28, 2008, that was obtained during the course of the investigation listed as an employee "Noe Lozano" with the corresponding social security number of xxx-xx-3396. Agents confirmed that social security number xxx-xx-3396 is a valid social security number and it is associated with a person named "Noe Lozano."